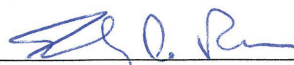

EMERGENCY MOTION FOR THE APPOINTMENT OF COUNSEL

MEMO ENDORSED

May 27, 2021

The Honorable Edgardo Ramos
United States District Judge
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

The application is X granted
 denied



Edgardo Ramos, U.S.D.J.

Dated: _____

New York, New York

Re: United States v. Robert A. Pena, Docket No. 18 Cr. 844 (ER)

Dear Judge Ramos:

Defendant respectfully requests the Court promptly appoint, on an emergency basis, CJA counsel to assist Defendant with obtaining his immediate release and any effort to seek those accountable for his present and continued unlawful detention civilly liable.

Defendant was sentenced to 40 months imprisonment on or about July 28, 2020. No written judgment was issued until Defendant requested that such be done nearly six months later. The delay in issuing the judgment prevented Defendant from being transferred to a Bureau of Prisons facility, and has ultimately resulted in the delay of his release and his current unlawful and unauthorized detention. By operation of 18 U.S.C. 3624(c), Defendant should have been released no later than May 25, 2021. This was brought to the attention of the Court, Government and U.S. Marshals on May 26, 2021, to no avail – although an individual who answered the telephone at the S.D.N.Y. U.S. Marshal's service acknowledge that the sentence imposed should be completely satisfied.

Defendant remains detained at the Orange County Jail, in Goshen, New York, as a U.S. Marshals' prisoner. His continued confinement amounts to unlawful imprisonment, for which the United States has waived immunity from suit.

WHEREFORE Defendant prays that the Court will promptly appoint counsel.

Respectfully submitted,

Robert A. Pena

**ROBERT A. PENA
REGISTER NO. 85977-054
ORANGE COUNTY JAIL
110 WELLS FARM ROAD
GOSHEN, NEW YORK 10924**

**cc: Sarah Krisoff, AUSA
Frank Balsamello, AUSA**